GROSSET-F & DEMACHY

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**PATENTS** 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Jean-Luc GALZI

Serial No. 09/445,205

Filed January 7, 2000

JUN 0 6 2002 PRADEMARY

Confirmation No. 9642

GROUP 1655

Examiner B. Sisson

USE OF A FLUORESCENT PROTEIN FOR DETECTING INTERACTION BETWEEN A TARGET PROTEIN AND ITS LIGAND

## DECLARATION UNDER RULE

**RECEIVED** 

Commissioner for Patents

JUN 1 3 2002

Washington, D.C. 20231

TECH CENTER 1600/2900

Sir:

I, Jean-Luc GALZI, hereby declare as follows:

My relevant background and experience are set forth in the attached C.V. I make this declaration in support of the present application, and to provide evidence in rebuttal of several contentions set forth in the Official Action of December 6, 2001.

I declare that one of ordinary skill in the art would be able to make and use the claimed invention based on the teachings provided in the present application. Furthermore, I declare that the present specification clearly indicates to one of ordinary skill in the art that at the time the application was filed, the inventors of the present application were in possession of the claimed invention.

The factual bases for my opinions in this regard are as follows:

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In light of the specification, one of ordinary skill in the art would clearly appreciate that variants and fragments of a chidarian autofluorescent protein include mutations which do not abolish the main property of the protein, namely that it is fluorescent.

The fluorescent property of the protein is defined as follows:

- 1) the protein should have a molecular extinction coefficient (s) greater than about 14000 M<sup>2</sup>.cm<sup>-1</sup>; and
- 2) its fluorescence quantum yield (Q) should be greater than about 0.4.

Changes in excitation and emission wavelength may be detected for variants or fragments. These modifications will be considered as acceptable if s and Q are greater than 14000 and 0.4, respectively.

Variants of the fluorescent protein include all mutations in the DNA sequence that lead to a protein with a primary amino acid sequence identical to, or different from, the wild type sequence. In GTP for instance, out of the 240 amino acids that form the mature protein, only three are directly contributing to the formation of the fluorophere and about 10 stabilize the fluorophore. Many mutations done in the DNA sequence encoding GTP lead to fluorescent proteins with identical, different or no fluorescent properties. However, the invention is concerned with proteins which have the fluorescent

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property as noted above. It is routine for one of ordinary skill in the art to determine which variants are appropriate for the invention.

Fragments of the fluorescent protein include deletions or additions of amino acids at both N-terminal and C-terminal extremities. These additions and deletions will be considered in the present context, if they do not alter fluorescence properties in such a way that a and Q become smaller than defined above.

Variants and fragments can be obtained by random mutagenesis, by site-directed mutagenesis, or by using restriction endonucleases acting on the DNA. Random mutagenesis is obtained using experimental conditions of polymerase chain reaction such that the proof reading and corrections done by polymerizing enzyme are not done. Site-directed mutagenesis is carried out by polymerizing DNA from a primer oligonuclectide containing one or more mismatches with the template DNA.

Variants and fragments can be easily expressed in bacteria and purified using a one step purification procedure. The purity and quantity of the protein can then be determined. Using a defined amount of a purified variant or fragment, it is then possible to experimentally measure the s-value in absorbance per mole and per cm using the Beer-Lambert relationship. Fluorescence quantum yield can also be determined by exciting the protein at its maximal absorbance wavelength (determined using a spectrophotometer) and measuring emission at different:

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wavelengths. The emission spectrum can then be used to determine the fluorescence quantum yield of the variant or fragment by comparing its fluorescence relative to that of a reference such as fluoresceine.

Fusion proteins are easily obtained using a two step PCR (polymerase chain reaction).

This protocol consists in amplifying two DNA coding sequences (partners 1 and 2) with primers designed in such a way that each amplified partner can hybridize with the other one. The first PCR reaction consists in independent amplification of each partner coding sequences with extremities complementary to the other partner coding sequence. In a second step, the two PCR products having complementary cohesive ends are mixed together with primers allowing the amplification of the DNA stretch encompassing partner 1 and partner 2. The resulting large DNA fragment encodes a fusion protein comprising partner 1 and 2. The introduction of this DNA fragment into an expression vector allows expression of the fusion protein.

patent application, refer to the autofluorescent protein and its variants or fragments. It means that when excited at a wavelength at which the protein absorbs light, the protein is able to emit light at longer wavelength. In the present application, the minimal absorption coefficient (a) is approximately 12000 and the minimal value of the fluorescence quantum yield (Q) is

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approximately 0.4.

The interaction is detected as a reduction in the amplitude of the donor's emission and/or an increase of the acceptor's emission, as a result of fluorescence resonance energy transfer. The amplitude of the reduction of donor's emission and/or increase of the amplitude of acceptor's emission is proportional to the concentration of ligand - target protein complex being formed, and reaches a plateau value when target protein is saturated with ligand.

the quantification of the interaction is carried out by determining the amplitude of the reduction of donor's emission and/or the increase of amplitude of acceptor's emission and by normalizing it to the maximal variation of amplitude of the donor's and/or acceptor's emissions. The degree of target protein binding sites is then calculated according to mass action law. Thus, one of ordinary skill in the art would clearly be able to make and use the presently claimed invention and clearly appreciate that applicants had possession of the claimed invention at the time the present application was filed.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Statute 1001 of Title XVIII of the United States Code and that such willful false statements

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may jeopardize the validity of the application or any patent issuing thereon.

June 4, 2002

Jean-Luc GALZI



CURRICULUM VITAE

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GALZI

First name:

Jean-Luc

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Position:

Research Director, National Center for Scientific

Research (CNRS).

#### EDUCATION:

1987

Ph.D in Bio-organic chemistry, Louis Pasteur University,

Strasbourg, France

#### POSITIONS:

1983-1987 fellow of the Ministère de la Recherche et de la Technologie.

1988 Post-doc Fellow of the Foundation for research at chemistry-

biology interface (France)

1989-1990 Post-Doc Fellow of the French Association against Neuromuscular

Diseases

1990 Tenure Position at the CNRS, Molecular Neurobiology, Pasteur

Institute, Paris, France. Director: Prof. J.P. Changeux

1996 Group leader, Dpt. Receptors and Membrane Proteins, School of

Biotechnology, Strasbourg. Director: Dr. F. Pattus



1987 DEA Molecular Chemistry and Physico-Chemistry, Nancy, Dir. Pr. G. Branlant.

1987-02 DEA Molecular Pharmacology, Strasbourg, Dir. Pr. C. Wermuth.

1990, 1991 DEA Structures et Evolution des Vertébrés, Paris VII, Dir. Pr.Clairambault

1992-1995 DEA Cellular and Molecular Pharmacology, Paris VI, Dir. Pr P. Ascher.

1993 DEA Biology and Health, Montpellier, Dir. Pr. J. Bockaert.

1995-02 Neurobiology Course, Biotechnology School, Strasbourg, Dir Pr. B. Kieffer.

1997-02 Neurobiology, Faculty of Pharmacy, Strasbourg, Dir Pr. A. Beretz.

#### RESEARCH ACTIVITIES

1983-1987: Synthesis of photoactivatable probes and irreversible labeling of opioid receptors. supervisors: Profs M. Goeldner and C.G. Hirth.

1988-1995: Post-doctoral research: Functional architecture of nicotinic acetylcholine receptors. Molecular Neurobiology, Pasteur Institute, Paris, France.

Dynamics of signal transduction mediatd by G protein-coupled receptors. CNRS UPR 9050, School of biotechnology, Strasbourg, France

#### RESEARCH SUPERVISION

1996 P. Alix, Post-graduate student. Diploma (June 1997) DEA Neurosciences (UPR CNRS9050).

1997-01 J.Y. Vollmer, Ph.D student, Strasbourg University.

1998-00 T. Palanché, Post-doc fellow

1998-0 M. Lima, Technician

1998-02 S. Zoffmann, PhD student

1999-0 S. Morisset, Post-doctoral fellow

1999- B. Ilien, chargée de recherche INSERM

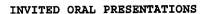
1998- H. Matthes, chargé de recherches CNRS



1999- V. Utard, technician, CNRs

2000- C. Muller, PhD Student

2000- S. Lecat, Post doctoral fellow



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1987/june CNRS-INSERM Research Center for Pharmacology et endocrinology, Montpellier, France.

1991/march Ecole normale supérieure, Paris

1991/Sept. Commissariat à l'énergie atomique (CEA), Saclay, France.

1991/june Fourth international symposium on neuromuscular diseases, Montpellier, France.

1992/may 25th Jerusalem symposium on quantum chemistry and biochemistry, Jerusalem.

1992/july. EMBO-INSERM Course: Current Methods in Membrane Protein Research. Le Vésinet, France.

1992/oct. Journées de l'Institut de Biologie, Collège de France, Paris.

1992/nov. Department Conference, Pasteur nstitute, Paris.

1992/nov Bio-Chromatography society, Paris.

1993/apr European Research Conference on Molecular Neurobiology Regulation and Biosynthesis and Function of Neuroreceptors and ionic channels. Aghia Pelaghia, Crete.

1993/May Science et Defense 1993: Biotechnologies in Life Sciences. La Villette, Paris.

1993/May Marion Merrel Dow. 20th anniversary Strasbourg Center. Palais des Congrès, Strasbourg.

1993/May Plenary Lecture, Neurochemistry Institute, Strasbourg, France.

1993/june Colloquium of the French Neuroscience Society: Receptors and transduction mechanisms. Montagnac (France).

1993/aug XXXIInd International Congress of Physiological Sciences Glasgow (UK).

1993/nov Ecole normale supérieure, Paris.

1994/mar USGEB-symposium: "Ion channels", Berne, Switzerland.

1994/Apr University of Paris XI, Orsay.

1994/july EMBL Heidelberg: Practical course on "Methods in membrane protein research".

1994/Sept 16th international Congress of Biochemistry and Molecular Biology (IUBMB) New Dehli, Inde.

5 1994/oct Conférence Philippe Laudat/INSERM: Neuronal Nicotinic Acetylcholine Receptors: Diversity, Functions and Pathological implications, Bischenberg, France. Department of pharmacology, Zürich University, Zürich, 1995/jan Switzerland. Recent advances in Neurobiology VII, Japan Intractable Diseases 1995/jan Research Foundation, Tokyo, Japan. Department of Physiology, Genèva, Switzerland. 1995/may French Neuroscience Society, Lyon, France. 1995/may 1995/sept Colloquuium on Biomembranes, GEIMM-GFB Frenc Biophysics Society, Toulouse, France. XXIIIeme Congress of the French Physiological Society, 1995/dec Strasbourg, France Institute of Pharmacology and Structural Biology, Toulouse, 1996/mar International symposium on molecular biology of the synapse: 1997/mar from electric organ to brain, Institut Pasteur, Paris European Conference Scientiae Europeae, La Baule, France. 1997/Sept Synthélabo Biomoléculaire Research Center 1997/sept Colloquium ULP/JAPAN Neurosciences, Cognisciences, Strasbourg, 1997/dec France. Structural Biology Institute, Toulouse, France. 1998/jan 1998/mar Fournier Research Center, Dijon. University René Descartes (PARIS V), Faculty of Pharmacy. 1998/sept 1999/janv Université Louis Pasteur Strasbourg. Institut Theodor Kocher, Bern, Suisse. 1999/fev G protein-coupled receptors Workshop, Princeton, USA 1999/fev Association Française de Cytométrie, Institut Curie, Paris, 1999/mars France. Gordon Research Conference on ligand recognition and molecular 1999/mars gating, Ventura, USA. Séminaires Grenoblois de Neurosciences, Institut Albert 1999/mai Bonniot, Grenoble 1999/juil Conference Collège de France (P. Corvol) RECOB 8 (Rencontres de Chimie Organique Biologique) Aussois, 2000/mars France

2000/mai	Conference Chaire de Chimie, Collège de France (J.M. Lehn)
2000/oct	French Society for Endocrinology (Brest)
2000/oct	international Congress Tachykinin 2000, La Grande Motte (France)
2000/oct	Conference Institut de Pharmacologie et de Biologie Structurale (Toulouse)
2001/avr	Symposium GPCR, Collège de France, Paris.
2001/mai	University of Geneva, Department of Biochemistry
2001/juin	Institut Curie, Journée thématique fluorescence
2001/juin	Ecole Normale Supérieure (Paris).
2001/sept	Institut de Biologie Moléculaire des Plantes (Strasbourg)
2001/Sept	Molecular interactions on a micro- and nanometer scale Meiringen, Switzerland
2001/oct	Faculty of pharmacy, Copenhaguen, Denmark
2001/dec	Max Plank Institute for Brain Researcn, Francfort, Germany

#### RESEARCH RESPONSABILITIES

reviewer of grant applications to CNRS (Section 20), France. 1991 1993, 1996 External referee for Ph.D Thesis defense: Field: Biochemistry; Candidate: Marie-Hélène Fulachier, University Pairs XI (1993); candidate: Valéie Winkler-Dietrich, University Pairs XI (1996) Referee for grant applications to MRC (UK) 1992 Referee for Summer School Grant Applications to NATO. 1994 Member of the organizing comittee of a Conference Philippe 1994 LAUDAT: Neuronal Nicotinic Acetylcholine Receptors: Diversity, Functions and Pathological implications, Bischenberg, France. Member of the Scientific board of the Biotechnology School, 1996-Strasbourg. Organizer of monthly Conferences at the Shool of Biotechnology. 1996-1999 Member of the 25th Commission of the National Scientific 1998-

#### **AWARDS**

1994 CNRS brass medal

Committee of the CNRS

1997 Price Victor Noury, Thorlet, Henri Becquerel, Jules et Augusta Lazare of Cellular and Molecular Biology, French Academy of Sciences





#### **PUBLICATIONS**

- 1. <u>Galzi</u>, J.L., Ilien, B., Simon, E.J., Goeldner, M.P. & Hirth, C.G (1987) Marquage irréversible des récepteurs des opioides à l'aide de sels d'aryldiazonium dérivés du fentanil. **Tetrahedron Lett.**, 28\_, 401-404.
- 2.<u>Galzi</u>, J.L (1987) Synthèse de sondes photoactivables et marquage irreversible du récepteur des opioides. Thèse de doctorat de l'Université de Strasbourg I.
- 3. Ilien, B., <u>Galzi</u>, J.L., Méjean, A., Goeldner, M.P. & Hirth, C.G (1988) A mu-opioid receptor-filter assay: Rapid estimation of binding affinity of ligands and reversibility of long-lasting ligand-receptor complexes. **Biochem. Pharmacol.**, 37, 3843-3851.
- 4. Giraudat, J., Galzi, J.L., Revah, F., Changeux, J.P., Haumont, P.Y., Lederer, F. (1989). The noncompetitive blocker chlorpromazine labels segment MII but not segment MI on the nicotinic acetylcholine receptor alpha-subunit. **FEBS Lett.** 253, 190-198.
- 5. <u>Galzi</u>, J.L., Méjean, A., Ilien, B., Mollereau, C., Meunier, J.C., Goeldner, M.P. & Hirth, C.G. (1990). Photoactivatable opiate derivatives as irreversible probes of the mu-opioid receptor. **J. Med. Chem.**, 33\_, 2456-2464.
- 6. <u>Galzi</u>, J.L., Méjean, A., Goeldner, M.P., Hirth, C.G. & Ilien, B. (1990). Photoaffinity labelling of the mu-opioid receptor is dependent on the nature of the photosensitive group of carfentanil derivatives. **Eur. J. Pharmacol.**, 188, 321-328.
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- 8. <u>Galzi</u>, J.L., Revah, F., Black, D., Goeldner, M., Hirth, C., Changeux, J.P. (1990). Identification of a novel amino acid alpha-Tyr 93 within the active site of the acetylcholine receptor by photoaffinity labeling: additional evidence for a three-loop model of the acetylcholine binding site. J. Biol. Chem. 265, 10430-10437.
- 9 Changeux JP, Benoît P, Bessis A, Cartaud J, Devillers-Thiéry A, Fontaine B, Galzi JL, Klarsfeld A, Laufer R, Mulle C, et al (1990) Regulation of acetylcholine receptor gene expression by neural factors and electrical activity during motor endplate formation. **Biochem Soc Symp**, 56\_, 9-12
- 10 Changeux JP, Benoit P, Bessis A, Cartaud J, Devillers-Thiery A, Fontaine B, Galzi JL, Klarsfeld A, Laufer R, Mulle C, et al (1990) The acetylcholine receptor: functional architecture and regulation. Adv Second Messenger Phosphoprotein Res, 24, 15-9
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- 12. <u>Galzi</u>, J.L., Revah, F., Bessis, A., Changeux, J.P. (1991). Functional architecture of the nicotinic acetylcholine receptor: From electric organ to brain. **Ann. Rev. Pharmacol. Toxicol.** 31, 37-72.
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- 14. <u>Galzi</u>, J.L., Bertrand, D., Devillers-Thiéry, A., Revah, F., Bertrand, S., Changeux, J.P. (1991). Functional significance of aromatic amino acids from three peptide loops of the alpha7 neuronal nicotinic receptor site investigated by site-directed mutagenesis. **FEBS Lett.** 294, 198-202.
- 15. <u>Galzi</u>, J.L. & Changeux, J.P. (1991) The nicotinic acetylcholine receptor: A member of the superfamily of ligand gated ion channels. in **Biological Signal Transduction** NATO ASI Series, H52, pp 1-16.
- 16. Changeux, J.P., Devillers-Thiéry, A., Galzi, J.L. & Revah, F. (1992). The acetylcholine receptor: A model of allosteric protein mediating intercellular communication. in **Interactions among cell signalling systems**, CIBA Foundation Symposium N 164, Kobe, Japan, John Wiley and Sons eds. pp 66-89.
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- 19. Changeux, J.P., Devillers-Thiéry, A., Galzi, J.L. & Bertrand, D. (1992). New mutants to explore nicotinic receptor function. **Trends in Pharmacol. Sci.**, 13, 299-301.
- 20. <u>Galzi</u>, J.L. & Changeux, J.P. (1992) The nicotinic acetylcholine receptor, a model of ligand-gated ion channel: Investigation of its functional organization by protein chemistry and site-directed mutagenesis. in <u>Membrane Proteins: Structures</u>, <u>Interactions and Models</u>, 25th Jerusalem syposium on quantum chemistry and biochemistry. A. Pullman et al. eds., Kluwer Academic Publishers. 127-146.
- 21. <u>Galzi</u>, J.L. & Changeux J.P. (1993) Les récepteurs-canaux de la membrane plasmique. in **Pharmacologie Moléculaire; Mécanisme d'action des médiateurs et des médicaments**, 2nd edition, (Landry & Gies eds) Arnette éditions, Chap 11, pp 269-303.
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- 23. Changeux, J.P., Galzi, J.L., Devillers-Thiéry, A. & Bertrand, D. (1992) The functional architecture of the acetylcholine nicotinic receptor



- explored by affinity labeling and site-directed mutagenesis. Quarterly Rev. Biophys. 25, 395-432.
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- 26. Bertrand, D., Galzi, J.L., Devillers-Thiéry, A., Bertrand, S., Changeux, J.P. (1993) Mutations that affect monovalent versus divalent cation permeability of a neuronal nicotinic receptor channel. **Proc. Natl. Acad. Sci. USA**. 90, 6971-6975.
- 27. Bertrand, D., <u>Galzi</u>, J.L., Devillers-Thiéry, A., Bertrand, S. & Changeux, J.P. (1993) Stratification of the channel domain in neurotransmitter receptors. **Current Opinion in Cell Biology**, 5\_, 688-693.
- 28. Devillers-Thiéry A., <u>Galzi</u>, J.L. Changeux, J.P., Bertrand, S. & Bertrand, D. (1993) Functional architecture of the nicotinic acetylcholine receptor: A prototype of ligand-gated ion channel **J. Memb. Biol**. 136, 97-112.
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- 30. <u>Galzi</u>, J.L., Changeux, J.P. (1994) Ligand-gated ion channels as unconventional allosteric proteins. **Current opinion in Structural Biology**, 4, 554-565.
- 31. <u>Galzi</u>, J.L., Changeux, J.P. (1995) Neuronal nicotinic acetylcholine receptors: Molecular organization and regulations **Neuropharmacology** 34, 563-582
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- 33. <u>Galzi</u>, J.L., Changeux, J.P. (1995) Biologie Moléculaire du récepteur nicotinique de l'acétylcholine **Archives Physiol. Biochem.** 103, D5-6.
- 34. <u>Galzi</u>, J.L. & Changeux, J.P. (1995) Ligand-gated ion channels as unconventional allosteric proteins. in **Challenges and perspectives in Neuroscience**. eds D. Ottoson, T. Bartfai, T. Hökfelt and K. Fuxe Wenner-Gren International series, Pergamon, 27-51.
- 35. <u>Galzi</u>, J.L., Edelstein, S.J. & Changeux, J.P. (1996) The multiple phenotypes of allosteric receptor mutants. **Proc. Natl. Acad. Sci. USA**. 93\_, 1853-1858.



- 36. <u>Galzi</u>, J.L., Bertrand, S., Corringer, P.J., Bertrand, D., Changeux, J.P. (1996) Identification of calcium binding sites which regulate potentiation of a neuronal nicotinic acetylcholine receptor. **EMBO J.** 15\_, 5824-5832.
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- 47 Lukas, R., Lucero, L., Buisson, B., Galzi, J.L., Puchacz, E., Fryer, J.D., Changeux, J.P., Bertrand, D. (2001) Neurotoxicity of channel mutations in heterologously expressed alpha7-nicotinic acetylcholine receptors. **Eur. J. Neurosci.**, 13, 1849-1860
- 48. Rapid internalization and recycling of the human neuropeptide Y  $Y_1$  receptor (2002) Hervé Gicquiaux, Sandra Lecat, Mireille Gaire, Alain Dieterlen, Yves Mély, Kenneth Takeda, Bernard Bucher and Jean-Luc Galzi  $\mathbf{J.Biol.Chem}$  277, 6645-6655.

PATENT

French Patent n° 97.06977 (5 june 1997) for: "Utilisation of a fluorescent protein for the detection of target protein-ligand interactions. Inventors: Galzi, J.L. & ALix P.

International extension of the French Patent n° 97.06977 with reference WOB97 CNR FLU